

FILED
U.S. DISTRICT COURT IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA *

CLERK'S OFFICE
AT BALTIMORE

* CRIMINAL NO. MJG-97-0441

CAROLYN LEE BROWN DEPUTY. *

* * * * *

ORDER DENYING MOTION FOR REDUCTION OF SENTENCE

Pursuant to Court Order appointing counsel to preliminarily review defendant's eligibility for a sentence reduction under 18 U.S.C. §3582(c) (2) based on Amendment No. 706 to the United States Sentencing Guidelines related to cocaine base ("crack") offenses, counsel has filed a status report. A copy of the said status report is attached hereto as Exhibit A.

It appears that the defendant is ineligible for a sentence reduction under Amendment No. 706 because the Offense Level was determined by reference to the quantity of cocaine and not cocaine base. The Court is, therefore, not authorized to reduce the Defendant's sentence by virtue of Amendment No. 706.

Accordingly:

1. Defendant's Motion for Reduction of Sentence IS DENIED.
2. This order shall become final in 30 days if no meritorious objection is filed by the defendant within that time.

3. The Clerk SHALL SEND a copy of this order to counsel, the United States Probation Office, and the defendant.

SO ORDERED on Thursday, September 11, 2008.

/ s /
Marvin J. Garbis
United States District Judge

EXHIBIT A

Sept 8, 2008

Dear,

MR. Marvin J. Garbis

I Cael L. Brown received your MEMORANDUM AND ORDER about my Motion petition for Conditional Release a couple of weeks ago and I understand your decision fully! Now I'm writing to you about my other motion (Crack Law) have the Court come to a decision dealing with my Case MJG-97-0441 and the reason I ask is because I've haven't heard anything yet from the Courts or from my Lawyer MR. Paresh S. Patel (Federal Public Defender) I have written to that office but I haven't received a answer so I decide to write to you about this issue even so you were my Sentencing Judge and as I believe as this new law (Crack Law) goes I have to come back in front of you MR. Marvin Garbis. Right now the prison is locked-down for a bit of disturbance and I can't make phone calls now so I hope I didn't waste your time with this and I hope to hear back from you soon. THANK YOU FOR YOUR TIME!!!

Cael L. Brown

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